

Michael Rapaport and Michael David Productions, Inc. (collectively “Plaintiffs”) move for reconsideration of this Court’s March 29, 2021 Memorandum and Order (ECF No. 151) (“Order”), which ruled upon both Plaintiffs’ Motion for Summary Judgment (ECF No. 103) against Defendants Barstool Sports, Inc. (“Barstool”), David Portnoy, Adam Smith, Kevin Clancy, and Eric Nathan (collectively “Defendants”) and Defendants’ Motion for Partial Summary Judgment (ECF No. 119). This motion for reconsideration is brought with respect to Counts VIII-XI of the FAC and Barstool’s Counterclaim.

In the alternative, Plaintiffs request that this Court certify these issues for interlocutory appeal and acknowledge that the Order involves controlling questions of law as to which there are substantial grounds for difference of opinion and that an immediate appeal from the Order would materially advance the ultimate termination of the litigation.

DATED: April 12, 2020

KING & BALLOW

By: /s/Richard S. Busch
Richard S. Busch (SB 5613)
Attorney for Plaintiffs
Michael Rapaport and Michael
David Productions, Inc.
1999 Avenue of the Stars, Suite 1100
Century City, CA 90067